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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Basilea Mena,

10 Plaintiff,

11 v.

12 Robert Massie,

13 Defendant.  
14

No. CV-17-00368-TUC-DCB

**ORDER**

15 This case is ready for trial. The pretrial conference, which was set for August 16,  
16 2021, was vacated on July 30, 2021, due to COVID-19 General Order 21-17, superseded  
17 by General Order 21-18. Courtroom proceedings having now resumed, but this Court has  
18 very limited trial availability. Therefore, the Court shall transfer the case to another Judge  
19 for trial.

20 The Court contacted the parties and informed them of the availability of a magistrate  
21 judge to try the case by consent, which must be voluntarily given by all parties and without  
22 any adverse substantive consequences from withholding such consent. The parties  
23 informed the Court that they consent to proceed to trial before a Magistrate Judge pursuant  
24 to Fed. R. Civ. P.73(a) and 28 U.S.C. § 636(c)(1). The case shall be transferred to the  
25 Honorable Magistrate Judge Lynnette C. Kimmins for trial. Rule 73(a); 28 U.S.C. §  
26 636(c)(1). She is available to conduct any or all proceedings in this case including a jury  
27 or nonjury trial, and to order the entry of a final judgment. An appeal from a judgment  
28 entered by a magistrate judge shall be taken directly to the United States court of appeals

1 for this judicial circuit in the same manner as an appeal from any other judgment of a  
2 district court.

3 **Accordingly,**

4 **IT IS ORDERED** that within 7 days of the filing date of this Order, the parties shall  
5 memorialize their voluntary consent in accordance with the provisions of 28 U.S.C. 636(c)  
6 and Fed.R.Civ.P. 73, to have a United States magistrate judge conduct any and all further  
7 proceedings in the case, including the trial, order the entry of a final judgment, and conduct  
8 all post-judgment proceedings.

9 **IT IS ORDERED** that that this case is assigned to the Honorable Magistrate Judge  
10 Lynnette Kimmins, for all further proceedings and the entry of judgment in accordance  
11 with 28 U.S.C. 636(c), Fed.R.Civ.P. 73, and the foregoing consent of the parties. All further  
12 documents filed with the court are to carry the following case number: CV 17-368 TUC  
13 LCK.

14 Dated this 7th day of February, 2022.

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A handwritten signature in black ink, appearing to read "David C. Bury", is written over a horizontal line.

Honorable David C. Bury  
United States District Judge